

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GEOFFREY A. DAVIS,

Petitioner,

v.

CASE NO. 2:12-CV-797

JUDGE ALGENON L. MARBLEY

MAGISTRATE JUDGE KEMP

EDWARD BANKS, WARDEN,

Respondent.

OPINION AND ORDER

On September 6, 2012, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus be transferred the United States Court of Appeals for the Sixth Circuit as a successive petition. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. He indicates that he objects "in part" and agrees that this case should be transferred to the Court of Appeals. Petitioner does not, however, indicate in what manner he objects to the *Report and Recommendation*.

Pursuant to 28 U.S.C. §636(b), this Court has conducted a de novo review. This is clearly a successive petition over which the Court lacks jurisdiction; a previous petition was dismissed by this Court on August 23, 2010. *See Davis v. Voorhies*, Case Nos. 2:08-cv-1099, 2:09-cv-1125, and 2:10-cv-48 (S.D. Ohio August 23, 2010). The *Report and Recommendation* is therefore **ADOPTED** and **AFFIRMED**. This action hereby is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge